

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RUBEN CHAVEZ,

Plaintiff,

MEMORANDUM & ORDER
23-CV-2413 (EK) (PK)

-against-

ROOSEVELT TROPICAL CORP., d/b/a
TROPICAL RESTAURANT, and JAIME
"JIMMY" ILLESCAS, individually,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Kuo's Report and Recommendation (R&R) dated August 21, 2024. ECF No. 26. Judge Kuo recommends that the Court grant in part and deny in part plaintiff Ruben Chavez's motion for a default judgment against both defendants. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, Chavez's motion for a default judgment is granted as to all claims except for his wage notice and wage statement claims, for which he has

inadequately alleged Article III standing; those claims are dismissed without prejudice. Chavez is awarded \$18,620.00 for unpaid minimum wages; \$151,184.25 for unpaid overtime wages; \$20,853.00 for spread of hours wages; \$190,657.25 for liquidated damages; \$9,399.00 in attorneys' fees; \$504.63 in costs; prejudgment interest at a daily rate of \$47.01 beginning on September 27, 2019 until the date of judgment; and post-judgment interest at the statutory rate with a fifteen-percent increase in penalty if damages under the New York Labor Law are not paid within ninety days of judgment or the expiration of the time to appeal. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: September 18, 2024
Brooklyn, New York